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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

PACIFIC THOMAS CORPORATION, dba
PACIFIC THOMAS CAPITAL, dba
SAFE STORAGE

Debtor.

Case No. 12-46534 MEH

Chapter 11

**MOTION FOR ORDER REQUIRING
TURNOVER AND DISCLOSURE OF
RECORDED INFORMATION UNDER
11 U.S.C. § 542(e)
(RANDALL WHITNEY, PACIFIC
TRADING VENTURES, JILL
WORSLEY)**

Kyle Everett, the duly appointed, qualified and acting Chapter 11 trustee (the "Trustee") of the bankruptcy estate of Pacific Thomas Corporation dba Pacific Thomas Capital dba Safe Storage ("PTC"), hereby moves the Court for an order under 11 U.S.C. § 542(e) requiring Randall Whitney ("Whitney"), Pacific Trading Ventures ("PTV"), and Jill Worsley ("Worsley") to turn over to the Trustee all recorded information in his/its/her possession, custody or control relating (1) to the above Debtor or (2) to any entity in which the Debtor has or had a legal or equitable interest, including but not limited to the following:

a. A detailed accounting of all funds received, or disbursed, by non-debtor entities, on behalf of PTC in connection with the Premises, including, but not limited to, the Safe

1 Storage Facility for each of the 12 months immediately prior to PTC's bankruptcy filing date of
2 August 6, 2012 (the "Petition Date") and each of the months from the Petition Date through the
3 present, including, but not limited to, access to all system and source data for all the funds
4 received or disbursed in connection with the Safe Storage Facility;

5 b. All books and records, including, but not limited to, all banking statements
6 and cancelled checks, detailing all funds received, or disbursed, by non-debtor entities, on behalf
7 of PTC in connection with the Premises, including, but not limited to, the Safe Storage Facility,
8 for each of the 12 months immediately prior to the Petition Date and each of the months from the
9 Petition Date through the present, including, but not limited to, access to all system and source
10 data;

11 c. A historical rent roll, for each of the 12 months immediately prior to the
12 Petition Date and each of the months from the Petition Date through the present, for all properties
13 owned by PTC, including tenant payment dates, check numbers, and payment amounts, the period
14 for which the tenant payments were made, and the current tenant unpaid balances;

15 d. A list of the location(s) where any remaining books and records of PTC can
16 be found;

17 e. A copy of all of PTC's QuickBooks files, wherever located;

18 f. All of PTC's books and records, whether or not they reside on computers
19 belonging to PTC;

20 g. All monthly expense reconciliations between PTC and PTV;

21 h. All business records of any dba of PTC, including, but not limited to, Safe
22 Storage and Pacific Thomas Capital, or a statement under penalty of perjury that no business
23 records of such dba exist;

24 i. For each transfer that PTV has made to PTC since the Petition Date, (i) the
25 PTV check number (or identification of wire transfer), (ii) the transfer date, (iii) the tenant(s) for
26 which the transfer is made, (iv) the location of the property and number of spaces used if it is for
27 parking; and
28

1 j. All documents relating to all insurance policies covering some or all of the
2 Premises.

3 Whitney is the Chief Operating Officer and Chairman of the Board of PTC. PTV is the
4 manager of the Safe Storage Facility. Worsley is PTV's Chief Operating Officer. The Trustee is
5 in need of the specified documents so that he may perform his duties under the Bankruptcy Code.

6 Section 542(e) of the Bankruptcy Code provides as follows:

7 Subject to any applicable privilege, after notice and a hearing, the
8 court may order an attorney, accountant, or other person that holds
9 recorded information, including books, documents, records, and
papers, relating to the debtor's property or financial affairs, to turn
over or disclose such recorded information to the Trustee.

10 Based on the express language of Section 542(e), a motion for an order may be made on a
11 "notice and opportunity for hearing" basis, as opposed to commencement of an adversary
12 proceeding as would be required under other subsections of Section 542.

13 The Trustee contends that good cause exists for the Court to issue an order compelling
14 Whitney, PTV, and Worsley to turn over all recorded information relating to the Debtor or
15 relating to any entity in which the Debtor has or had any legal or equitable interest.

16 WHEREFORE the Trustee requests an order compelling Whitney, PTV, and Worsley to
17 turn over to the Trustee within 10 calendar days of service of the order all recorded information of
18 any kind in its actual or constructive possession relating to the above Debtor or to any entity in
19 which the Debtor has or had any legal or equitable interest.

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21 DATED: April 11, 2013

BUCHALTER NEMER
A Professional Corporation

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23 By: /s/ Craig C. Chiang
24 Craig C. Chiang
25 Attorneys for Chapter 11 Trustee
26 KYLE EVERETT
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